PROCEEDINGS
of
THE TRAVANCORE SRI CHITRA STATE COUNCIL.

(*OFFICIAL REPORT*).

FIRST COUNCIL.

VOLUME VI—NUMBER 4.

SIXTH SESSION—1935/1110.

Thursday the 8th August, 1935/23rd Karkadakam, 1110.

The Council met in the Victoria Jubilee Town Hall, at Eleven of the Clock with Khan Bahadur Sir Muhammad Habibulla Sahib Bahadur, K. C. S. I., K. C. I. E., Kt., LL. D., Dewan-President, in the Chair.

QUESTIONS AND ANSWERS.

Recruitment of District and Additional District Judges.

27. ✻ **Mr. M. N. Paramesvaran Pillai** (*Municipal Councils*) : Will the Government be pleased to state :

(*a*) how many District and Additional District Judges there are in the Judicial Department ;

(*b*) how many of them were actually recruited from the bar and how many from the Sirkar Vakils' Department ;

(*c*) whether the Sirkar Vakils are grouped along with the members of the bar for purposes of recruitment to Judges' places, and, if so, on what principle ;

(*d*) whether the Sirkar Vakils are not governed by the provisions of the T. S. R. for purposes of leave, pension etc., and if so, on what principle they are taken out of the category of officers in service ; and

(*e*) whether there is any age limit fixed by the High Court or by the Government for the appointment of Munsiffs and Second Judges; if so, whether the same will apply to the Sirkar Vakils who are recruited as Judges, and, if not, why ?

Rao Sahib Dr. N. Kunjan Pillai (*Chief Secretary to Government*) : (*a*) Fifteen.

(*b*) Ten were recruited from the bar. Of these, five were from the Sirkar Vakils' Department.

(*c*) Yes ; because they are allowed to have private practice.

(*d*) The answer to the first part is in the affirmative. The answer to the second part is that they are allowed to have private practice and that as such they are treated as members of the bar.

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(*c*) Yes. The age limit for Second Judges is fixed at 40, and for Munsiffs at 36. The rule is applicable only for recruitment from the bar. Sirkar Vakils who entered service as such before their 40th year are exempted. The reason for fixing the age limit at 40 is that those below 40 could serve for 15 years before their retirement. Sirkar Vakils who entered service when they were below 40 could also do that as they are exempted from the age limit of 40 years.

Mr. M. N. Paramesvaran Pillai: May I know from the member, if Sirkar Vakils are taken out of the category of vakils, why this age exemption rule should not be made applicable to them?

Rao Sahib Dr. N. Kunjan Pillai: My answer is that if the Sirkar Vakils had been appointed as such before they were 40 years old they could be appointed as second Judges.

Mr. M. N. Paramesvaran Pllai: With reference to the answer to part (*b*), I want to know whether these Sirkar Vakils are now getting all the privileges of Government servants?

Rao Sahib Dr. N. Kunjan Pillai: Yes, they are governed by the T. S. R. The only difference is that they are allowed to have private practice.

Mr. M. N. Paramesvaran Pillai: May I know whether there is any provision in the T. S. R. allowing the Sirkar Vakils to have private practice?

Rao Sahib Dr. N. Kunjan Pillai: No. But Government have ordered that the Sirkar Vakils will be governed by the T. S. R. and that at the same time they could also have private practice.

Mr. M. N. Paramesvaran Pillai: May I know why they should have private practice?

Rao Sahib Dr. N. Kunjan Pillai: Because the pay that is given to them is not adequate. If private practice is prohibited probably the pay will have to be increased.

Mr. P. Padmanabhan Tampi (*Kalkulam* cum *Vilavankod*): May I know whether the Law Member is having private practice?

Rao Sahib Dr. N. Kunjan Pillai: There is no such officer as Law Member. There is the Additional Head Sirkar Vakil.

Mr. Kochikal P. Balakrishnan Tampi (*Mavelikara and Kartikapalli* cum *Kunnattur*): May I know whether the Additional Head Sirkar Vakil is allowed private practice?

Rao Sahib Dr. N. Kunjan Pillai: Yes.

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Mr. P. Padmanabhan Tampi: Is he a Government servant or a non-official?

Rao Sahib Dr. N. Kunjan Pillai: His appointment is governed by the T. S. R.

Mr. P. Padmanabhan Tampi: May I know whether he is a Government servant or a member of the bar?

Rao Sahib Dr. N. Kunjan Pillai: So far as he is governed by the T. S. R. he is treated as a Government servant, and as he has private practice, he can be treated as a member of the bar also.

Mr. P. Padmanabhan Tampi: If he is appointed as a Judge will his recruitment be considered as from the bar or from the service?

Rao Sahib Dr. N. Kunjan Pillai: That is a hypothetical question.

President: I suppose the question is that supposing he is elevated to the bench, will that elevation be regarded as from the bar or from the service? I suppose that is the question.

Mr. P. Padmanabhan Tampi: Yes, Sir.

Rao Sahib Dr. N. Kunjan Pillai: I submit that it is a hypothetical question. The question will be decided when it arises.

Mr. P. Padmanabhan Tampi: I want to know whether other Sirkar Vakils are treated in a similar way?

Rao Sahib Dr. N. Kunjan Pillai: Their position is not the same as that of the Additional Head Sirkar Vakil.

Mr. P. Padmanabhan Tampi: I am asking about the principle.

Rao Sahib Dr. N Kunjan Pillai: The question has not yet arisen. It will be decided when it arises.

Mr. P. Padmanabhan Tampi: I appeal to the Chair. The answer is evasive. He is not answering properly.

Rao Sahib Dr. N. Kunjan Pillai: I have answered that the question will be decided when it arises.

Mr. E. P. Varghese (*Nominated*): May I ask whether there is any difference between the starting pay of Munsiffs and of District Court Sirkar Vakils?

Rao Sahib Dr. N. Kunjan Pillai: Under the Standardisation G. O. the starting pay is the same.

Mr. E. P. Varghese: Why is the Sirkar Vakil allowed to have private practice and the Munsiff is not allowed? The Chief Secretary stated that the Sirkar Vakil is allowed to have practice because the pay given to him is not sufficient.

Rao Sahib Dr. N. Kunjan Pillai: A Munsiff cannot have private practice. If any one objects to this principle, it is open to him not to accept the appointment of a Munsiff.

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Mr. S. Piraviperumal Pillai (*Commerce and Industry, South*): May I know whether they practise before the Munsiff's court?

President: They practise before themselves.

Mr. K. P. Nilakanta Pillai (*Chirayinkil* cum *Nedumangad*): May I know whether Government are aware of the fact that cases in which Sirkar also is interested have to be postponed on account of the non-availability of the Sirkar Vakils because they were engaged in private practice?

Rao Sahib Dr. N. Kunjan Pillai: Such cases have not been brought to the notice of Government.

Mr. Kochikal P. Balakrishnan Tampi: May I ask whether efficiency will not be increased by allowing private practice?

Rao Sahb Dr. N. Kunjan Pillai: Quite so.

Mr. Komilezhathu Sankaran (*Nominated*): In view of the fact that Sirkar Vakils should not have private practice, do not the Government think it advisable to do away with private practice?

Rao Sahib Dr. N. Kunjan Pillai: That is a matter of opinion.

Mr. K. N. Kesavan Namputiripad (*Jenmies*): May I ask whether the High Court have recommended that the age limit for the appointmant of vakils as judges should be raised from 40 to 45?

Rao Sahib Dr. N. Kunjan Pillai: Yes, Sir.

Mr. K. N. Kesavan Namputiripad: May I know what action has been taken on that recommendation?

Rao Sahib Dr. N. Kunjan Pillai: Government have not accepted that recommendation.

Inspection of subordinate courts by judges of the High Court.

28. ***Mr. M. N. Paramesvaran Pillai**: Will the Government be pleased to state:

(*a*) whether all the subordinate courts are now inspected by the High Court Judges once a year, and if not, at what intervals:

(*b*) whether they have any control over the programme of inspection fixed by the High Court Judges every year; and

(*c*) who conducts such inspection works in the Madras Presidency, and whether their Lordships of the Madras High Court have to do any such inspection work?

Rao Sahib Dr. N. Kunjan Pillai: (*a*) No. The District, Munsiffs' and Magistrates' Courts are inspected once in every two or three years, and sometimes at shorter intervals.

(*b*) No.

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